

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 8-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, USPN 6,175,922, in view of Wilk et al., USPN 5,260,551.

With regard to claims 1, 16, 21, 26, and 27, Wang discloses a user device (PEAD, column 18 lines 33-36) including means for wirelessly (column 18 lines 44-47) receiving a key (room key, column 18 line 63- column 19 line 4, column 17 line 66- column 18 line 3) having an identification tag identifying the service provider (direction's end location, column 17 line 66-column 18 line 3) and validity information (column 7 lines 45-60, encrypting the key), and a wireless means for establishing a connection with an access device (column 19 lines 8-9, column 18 lines 5-7) in response to a request identifying the service provider (column 18 lines 51-56) to provide the key and validity information (column 19 lines 4-9) where if the key and information are valid, access is provided (column 19 lines 9-14), and the communications operate at different frequencies (column 19 lines 15-20 and column 19 line 66-column 20 line 3). Wang does not clearly disclose that the access device can determine, without connection to a central control element, whether or not to provide access. Wilk discloses a similar lock system as Wang (column 1 lines 5-14). Wilk discloses the lock is off-line (abstract), and

uses time data to determine if the key is currently valid (column 2 lines 17-21) without connection to a central control element (function a, column 2 lines 22-24). While Wilk does disclose on-line locks (function b, column 2 lines 24-26), he makes provisions for off-line locks as well. Wang does not clearly disclose off-line locks. It would have been obvious for one of ordinary skill in the art to use the time window function of Wilk in the user device of Wang to provide for off-line locks.

With regard to claims 2-4, Wang discloses the PEAD receives, and displays to the user additional information, such as price and items (column 19 lines 58-52).

With regard to claim 5, Wang discloses the display can be substituted for an audio output (column 11 lines 57-60).

With regard to claims 10 and 11, Wang discloses the means for establishing a connection can be done using short range wireless communication capabilities such as Bluetooth and infrared (column 19 line 66-column 20 line 3) and that the receiving means can be done with a cell phone (column 18 lines 33-36).

With regard to claims 8 and 9, Wang Bluetooth uses a high frequency (How Bluetooth Works, page 4) and low power (How Bluetooth Works, page 5).

With regard to claim 12-14, Wang discloses that the PEAD can have more than 1 coupon, where each coupon is identified with a specific food (column 18 lines 28-32).

With regard to claim 15, Wang discloses using the dice to gain access to a hotel room (column 19 lines 4-9).

With regard to claims 17 and 18, Wang discloses the key is encrypted using the merchant's private key (column 19 lines 3-4).

With regard to claims 19, 20, 23, and 24, Wang discloses the validity information can include the user ID or time related information (column 7 lines 52-56), which specifies the period of validity of the key, by disclosing examples of items which are purchased based on a period of time (column 19 lines 6-8). Further, Wilk discloses the validity information is time related information (column 2 lines 17-21)

With regard to claim 25, Wang discloses the PED can be mobile (column 18 lines 33-35).

### ***Response to Arguments***

3. Applicant's arguments filed 6 August 2009 have been fully considered but they are not persuasive.

With regard to applicant's argument that Wang does not disclose a providing a key and validity information to an access device in response to a request from the access device identifying the service provider, the examiner points out that a hotel would not request a ticket from another hotel. Wang further discloses supermarket coupons, which inherently could only work at that specific provider, for example, a manufacturer's coupon for cereal would inherently not work with competing brand's cereal, and thus the request would be for a coupon from the providing manufacturer.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB LIPMAN whose telephone number is (571)272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/893,165  
Art Unit: 2434

Page 6

/Jacob Lipman/  
Examiner, Art Unit 2434